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REMARKS

The Examiner is thanked for the careful examination of the application and the indication in paragraph 13 on the bottom of page 5 of the office action that the rejection to claims 5 and 6 are withdrawn.

In response to the Examiner's indication of withdrawal of the rejection of claims 5 and 6, the Applicants have rewritten claim 5 to be in independent form, including all of the limitation of claims 1 and intervening claims. Claim 6 remains unamended because it depends from claim 5, now amended to be independent.

The Applicants wish to draw the Examiner's attention to what is apparently an oversight in the last office action. The Examiner indicates a withdrawal of the rejection of claims 5 and 6 in the remarks, but included in the office action is what appears to be a rejection of those same claims. This appears to be an artifact from an earlier office action which contained what appears to be an identical rejection.

The Examiner has rejected claims 1-4 and 7-9, all of which depend from claim 1.

The Applicants would like to correct an apparent misunderstanding of the Examiner. The Examiner appears to be misunderstanding claim 1, which states:

"a monitoring microprocessor *having an assurance characteristic which is higher and having a performance characteristic which is lower than that of said general purpose,*" (emphasis added)

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The Examiner apparently was thinking that the performance characteristic of the monitoring processor was lower than the assurance characteristic of the monitoring processor. The claim is directed to the monitoring processor having an assurance characteristic which is higher than the assurance characteristic of the general purpose processor and the monitoring processor having a performance characteristic which is lower than the performance characteristic of the general purpose processor. All comparisons are between characteristics of one processor to the other processor, and not comparisons of various characteristics of the same processor.

When this is fully understood, the Applicants believe that it is clear that the cited references do not create a *prima facie* case of obviousness with respect to the claimed invention because the Hideharu reference does not teach having a monitoring processor which has a higher assurance characteristic than the general purpose processor, and at the same time having a lower performance characteristic than the general purpose processor.


This notion is not taught or suggested by the cited references. The Applicants again thank the Examiner for the careful examination of the application, and early notification of allowance will be much appreciated.

Lastly, if the Examiner does not issue a notification of allowance, the Applicants respectfully submit that the present office action should not have been made final because the rejection was based upon language in the translated Japanese Hideharu reference, which was not provided to the Applicants until this

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office action. In other words, the Applicants have not had an opportunity to consider the language in the translation that the Examiner is citing against the claimed invention. Since this is the first time that the Applicants have had a translation, it is essentially new art, and the finality of the office action is, therefore, premature.

Respectfully submitted,


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